

## REMARKS

Claims 128-136 and 138-141 are pending in this application. Claims 128 and 131-135 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Grosz, U.S. Patent No. 6,122,389. Claims 129 and 130 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grosz in view of Killion et al., U.S. Patent No. 6,831,987. Claims 136 and 138 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto, U.S. Patent No. 4,399,327 in view of Baumhauer, Jr. et al., U.S. Patent No. 5,515,445. Claims 139 and 140 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Baumhauer, Jr. et al., and further in view of Grosz. Claims 141 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Grosz in view of Killion et al., and further in view of Marash, U.S. Patent No. 6,332,028.

### Rejections Based In Whole Or In Part On Grosz (Claims 128-135, 139-141)

Claims 128 and 131-135 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Grosz, U.S. Patent No. 6,122,389. Claims 129 and 130 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grosz in view of Killion et al., U.S. Patent No. 6,831,987. Claims 139 and 140 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto in view of Baumhauer, Jr. et al., and further in view of Grosz. Claim 141 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Grosz in view of Killion et al., and further in view of Marash, U.S. Patent No. 6,332,028. The Examiner's rejections of these claims – i.e., claims 128-135 and 139-141 – are therefore based upon Grosz alone or Grosz in combination with other cited references.

Applicants hereby submit a Declaration Under 37 C.F.R. §1.131 to establish that the subject matter of at least claim 1 of the present application was invented prior to the effective date of the Goosz patent. As indicated in the Declaration, the subject matter of claim 1 was conceived by the present inventors and reduced to practice prior to January 20, 1998, the effective filing date of the Gorsz patent.

In view of the submitted Declaration, applicants respectfully request that the Grosz patent be removed as a reference in the rejection of claims 128-135 and 139-141. If such reference is removed from consideration, applicants respectfully submit that the pending claims 128-135 and 139-141 are patentable over the remaining cited references of record since such references do not teach or suggest the subject matter as presently claimed.

Accordingly, favorable consideration of the Declaration Under 37 C.F.R. §1.131 is respectfully requested and favorable reconsideration of the application and currently pending claims 128-135 and 139-141 in view of that Declaration is also respectfully requested.

**Remaining Claims 136, 138**

Claims 136 and 138 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto, U.S. Patent No. 4,399,327 in view of Baumhauer, Jr. et al., U.S. Patent No. 5,515,445. Claims 136 and 138 have been cancelled without prejudice to pursue those claims and/or similar claims in a continuation or divisional application.

Serial No. 09/017,937  
Office Action dated October 19, 2005  
Amendment dated February 21, 2006

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Dated: February 21, 2006

Respectfully submitted,



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